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SENATE BILL 106

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Lidio G. Rainaldi

FOR THE JUDICIAL SYSTEM STUDY COMMITTEE

AN ACT

RELATING TO COURTS; REPLACING THE SKELETON TRANSCRIPT FEE WITH  
A DOCKET AND DISMISS FEE IN THE COURT OF APPEALS AND SUPREME  
COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-2-5 NMSA 1978 (being Laws 1933,  
Chapter 81, Section 1, as amended) is amended to read:

"34-2-5. FEES--COLLECTION BY SUPREME COURT CLERK. --The  
clerk of the supreme court shall collect the following fees:

A. in all cases docketed in the court, except those  
in which statutory exemption exists and those in which the  
court on showing of poverty may, by order, waive the fee, one  
hundred twenty-five dollars (\$125), twenty-five dollars  
(\$25.00) of which shall be deposited in the court automation  
fund and ninety-six dollars (\$96.00) of which shall be

underscored material = new  
[bracketed material] = delete

1 deposited in the court facilities fund; provided that in cases  
2 in which a [~~skeleton transcript may be filed for the purpose of~~  
3 a] motion to docket and [~~affirm~~] dismiss an appeal is filed for  
4 failure to file a docket statement of the issues, the fee shall  
5 be twenty dollars (\$20.00), ten dollars (\$10.00) of which shall  
6 be deposited in the court automation fund and ten dollars  
7 (\$10.00) of which shall be deposited in the court facilities  
8 fund;

9 B. for one copy of files or a record, ten cents  
10 (\$.10) per folio and for additional copies ordered at the same  
11 time five cents (\$.05) per folio;

12 C. for comparing copies of files or records  
13 tendered to him, five cents (\$.05) per folio; and

14 D. for each certificate, one dollar (\$1.00)."

15 Section 2. Section 34-5-6 NMSA 1978 (being Laws 1966,  
16 Chapter 28, Section 6, as amended) is amended to read:

17 "34-5-6. COURT OF APPEALS--FEES AND COSTS.--

18 A. The clerk of the court of appeals shall collect  
19 the following fees:

20 docket fee, twenty-five dollars (\$25.00) of  
21 which shall be deposited in the court  
22 automation fund and one hundred dollars  
23 (\$100) of which shall be deposited in  
24 the court facilities fund . . . . . \$125.00  
25 docket fee for cases in which a [~~skeleton~~

underscored material = new  
[bracketed material] = delete

1 ~~transcript is filed for purpose of a]~~  
2 motion to docket and [~~affirm~~] dismiss the  
3 appeal is filed for failure to file a  
4 docketing statement, ten dollars (\$10.00)  
5 of which shall be deposited in the court  
6 automation fund and ten dollars (\$10.00) of  
7 which shall be deposited in the court facilities  
8 fund . . . . . 20.00

9 single copy of records, per typewritten folio . . . . .10  
10 each additional copy of records ordered at  
11 same time, per typewritten folio . . . . .05  
12 copies of records reproduced by photographic  
13 process, per page . . . . .10  
14 comparing copies of records tendered to him,  
15 per folio . . . . .05  
16 each certificate . . . . .1.00.

17 B. No fees or costs shall be required in  
18 proceedings in forma pauperis, from state officers acting in  
19 their official capacity or in any other case where a statutory  
20 exemption exists.

21 C. Except as otherwise specifically provided by  
22 law, the clerk of the court of appeals shall pay all fees and  
23 costs to the state treasurer for credit to the state general  
24 fund. "